

**+IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

**MICHAEL DERRICK EDWARDS,
Plaintiff,**

Civil Action No. 7:19-cv-00324

v.

ORDER

**BARRY KANODE, ET AL,
Defendant(s).**

**By: Hon. Pamela Meade Sargent
United States Magistrate Judge**

It appears to the court that plaintiff has complied with the requirements of 28 U.S.C. § 1915(a) for filing a prisoner civil rights action. Accordingly, it is now

O R D E R

as follows:

- (1) The action is conditionally filed as a prisoner civil rights action, pending satisfaction of the requirement set forth herein. Plaintiff is advised that the court will not adjudicate legal and factual matters discussed in either a pleading or motion in this conditionally filed action until plaintiff cures the deficiencies noted in this Order. Accordingly, plaintiff is encouraged to first resolve the noted deficiencies before filing motions or pleadings.
- (2) Plaintiff has been assessed fees of \$400.00 in this case, which includes a \$50.00 administrative fee. The \$400.00 must be paid before a civil action can proceed unless plaintiff is granted leave to proceed in forma pauperis.
- (3) Plaintiff is hereby directed to execute the enclosed consent to withholding of fees form in order to complete an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(b), which allows plaintiff to pay the \$350.00 filing fee in installments. If plaintiff is granted leave to proceed in forma pauperis, plaintiff will not be required to pay the \$50.00 administrative fee. FAILURE TO RETURN THE SIGNED CONSENT FORM

TO THE COURT WITHIN TWENTY (20) DAYS SHALL RESULT IN DISMISSAL OF THIS ACTION WITHOUT PREJUDICE.

- (4) Plaintiff shall notify the court in writing immediately upon plaintiff's transfer or release and shall provide a new address. FAILURE TO NOTIFY THE COURT OF SUCH A CHANGE OF ADDRESS WILL RESULT IN DISMISSAL OF THIS CASE.
- (5) Plaintiff is advised that a prisoner may not bring a civil action without complete prepayment of the appropriate filing fee and, as of May 1, 2013, a \$50.00 administrative fee if the prisoner has brought on three or more occasions, an action or appeal in a federal court that was dismissed as frivolous, as malicious, or for failure to state a claim upon which relief may be granted, unless the prisoner is in imminent danger of serious physical injury. See 28 U.S.C. § 1915(g). Plaintiff is advised that if plaintiff has had prior cases dismissed for any of the above-stated reasons, these prior dismissals may limit plaintiff's ability to file new cases without prepaying the full \$400.00 in filing costs. If plaintiff believes that this case, or any other pending case, may be dismissed as frivolous, as malicious, or for failure to state a claim upon which relief may be granted, plaintiff may file a motion for voluntary dismissal of such case(s) pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.
- (6) Pursuant to a Standing Order of Court, all non-dispositive matters in this case will be referred to a United States Magistrate Judge.
- (7) Plaintiff must include the above referenced case number in any document plaintiff submits to the court related to this action. Plaintiff's submissions should be legible, written on one side of the paper only, with at least one-inch of clear space on all sides of the page. In any document plaintiff submits to the court, pursuant to General Rule 8 of the Local Rules of the United States District Court for the Western District of Virginia,

plaintiff must omit, black out, or abbreviate personal data identifiers as follows: social security numbers (use only the last four digits), names of minor children (use initials), dates of birth (list only the birth year), financial account numbers (list only the last four digits), and home addresses (list only city and state). Submissions that do not comply with this paragraph may be returned to plaintiff without being entered by the court. All mailed pleadings should be sent to Clerk, U.S. District Court, 210 Franklin Road, S.W. , Suite 540, Roanoke, VA 24011-2208 The Clerk is directed to send a copy of this Order to plaintiff.

ENTER: This 23rd day of April, 2019.

s/Pamela Meade Sargent
United States Magistrate Judge

**INMATE CONSENT FOR WITHHOLDING OF PAY
FOR ASSESSED FILING FEE FOR THE WESTERN DISTRICT OF VIRGINIA**

**MICHAEL DERRICK EDWARDS,
Plaintiff,**

Civil Action No. 7:19-cv-00324

v.

**BARRY KANODE, ET AL,
Defendant(s).**

CONSENT TO FEE

I, MICHAEL DERRICK EDWARDS, 1408577, hereby consent for the appropriate prison officials to withhold from my prison account an initial payment of **\$4.73** and to collect on a continuing basis each month, an amount no more than 20% of each prior month's income, until such time as the filing fee of **\$350.00** has been collected in full. Each time the collection of payments reaches the amount of \$10.01, the Trust Officer shall forward the interim payment to the Clerk's Office, U. S. District Court, 210 Franklin Road, S.W. Suite 540, Roanoke, VA 24011-2208, until such time as the fees are paid in full. By executing this document, I also authorize withholding of any amount of costs, sanctions, and/or fees which may be imposed by the Court as a result of or during this litigation.

I agree that if I am transferred prior to payment of the full fee, the balance owing will be reported to the new institution with directions to continue the withdrawal of funds until the entire fee is paid. Payment will continue, if necessary, after resolution of this action until the full filing fee is paid.

SIGNATURE OF PLAINTIFF

DATE _____

***After signing this form, I understand that I am to send it back to the Court for processing to:
Clerk, U.S. District Court, 210 Franklin Road, S.W. Suite 540, Roanoke, VA 24011-2208.